Writ Petition No. 243 (S/B) 2003

Ram Kishan Arora - ……Petitioner

Versus

U.P.S.R.T.C.- ….Respondent.

Hon'ble M.M. Ghildiyal J.

The petitioner, by means of this writ petition, has challenged the suspension order dated 03.02.2003 passed by Assistant Regional Manager, U.P.S.R.T.C., Dehradun.

It is submitted by learned Counsel for the petitioner that the order regarding suspension has been passed mala-fide. The petitioner was dismissed from service on 07.11.1997. Against the dismissal order he filed claim petition before the Labour Court, Dehradun. The Labour Court on 28.05.1999 passed award in favour of the petitioner with the direction to the respondent to reinstate him with back wages. Against the award, passed by the Labour Court, the Corporation filed a writ petition in which the Allahabad High Court passed an order staying the award subject to compliance of Sec. 17-B of the Industrial Dispute Act. Thereafter, the petitioner moved application for payment at the rate of current wages, which was allowed by the High Court. According to the petitioner, the respondents were annoyed and, consequently, they have passed suspension order.

Sri Ashish Joshi, learned Counsel for the respondent submitted that for misconduct and misbehave of the petitioner, he was suspended by the competent authority; that the charge-sheet was sent to the petitioner, but he has not received the charge sheet. The allegations in the suspension order are grave.

Considering all these facts, the respondent is directed to conclude the enquiry within a period of six weeks from today.

Learned Counsel for the respondent has stated that the petitioner is avoiding the charge sheet. The petitioner is directed to reply the charge sheet within 10 days from today. The respondent shall pass final order within six weeks from today.

With these observations, the writ petition is finally disposed of.

(M.M. Ghildiyal J.)

July 1, 2003
NCM: